

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06MC425-C**

RICKY D. HARDEE and HOPE MASONRY)
CONTRACTORS,)
)
 Petitioner,)
)
 v.)
)
THE UNITED STATES OF AMERICA and)
WACHOVIA BANK, N.A.,)
_____)

ORDER

THIS MATTER is before the Court on the United States’ “Motion to Dismiss” (document #8) filed January 17, 2007, which has the effect of and the Court is treating as a Motion to Withdraw Summons. The Government informs the Court that the Summons issued by the Internal Revenue Service to Wachovia Bank, N.A., on November 7, 2006, and that is the subject of the Petitioner’s Petition to Quash (document #1), has been withdrawn.

NOW, THEREFORE, IT IS ORDERED:

1. The Government’s “Motion to Dismiss [treated as a Motion to Withdraw Summons]” (document #8) is **GRANTED**, and the Petitioner’s Petition to Quash Summons (document #1) is **DENIED AS MOOT**.

2. The Clerk is directed to send copies of this Memorandum and Order to counsel for the parties; and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: January 17, 2007

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

